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In re Application of
LIPOVSKII et al.

Application No.: 10/501,953

PCT No.: PCT/IL03/00055

Int. Filing Date: 22 January 2003

Priority Date: 22 January 2002

Attorney Docket No.: P-7008-US

For: POTASSIUM FREE ZINC SILICATE
GLASSES FOR ION-EXCHANGE PROCESSES

DECISION ON REQUEST

UNDER 37 CFR 1.497(d)

This is a decision on applicants' "Response to the Decision on Request under 37 CFR 1.497(d) & Petition for Four Month Extension of Time", filed on 02 August 2005 in the United States Patent and Trademark Office (USPTO). Petitioner seeks to add Eli Arad as inventor in the above referenced application.

BACKGROUND

On 21 July 2004, applicant filed a Transmittal Letter requesting entry into the national stage in the United States of America under 35 U.S.C. § 371 with, *inter alia*, the requisite basic national fee and a petition under 37 CFR 1.48 for correction of inventorship, to add Eli Arad as an inventor. In addition to the petition fee, Petitioner provided the statement of the inventor Mr. Arad in support of the correction of inventorship under 37 CFR 1.497(d). Petitioner indicated that "the consent of the assignee is not required insofar as no assignment has yet been executed." An declaration executed by the joint inventors was not submitted.

On 02 February 2005, a decision was mailed to applicant indicating that the "Written Consent of Assignee in Correction of Inventorship under 37 CFR 1.497(d)(3)" and a statement under 37 CFR 3.73(b) consenting to the addition of Eli Arad as an inventor in this application was necessary to add an inventive entity.

DISCUSSION

Where the oath or declaration filed pursuant to 35 U.S.C. 371(c)(4) and 37 CFR 1.497(d) names an inventive entity different from the inventive entity set forth in the international application, the oath or declaration must be accompanied by: (1) a statement from each person being added as an inventor that any error in inventorship occurred without deceptive intention on his or her part; (2) the fee set forth in § 1.17(I); and (3) if an assignment has been executed by any of the original named inventors, the written consent of the assignee(s).

Items (1) and (2) have previously been satisfied.

With regard to Item (3), applicant has provided the "Written Consent of Assignee in Correction of Inventorship under 37 CFR 1.497(d)(3)" and a statement under 37 CFR 3.73(b)

consenting to the addition of Eli Arad as an inventor in this application.

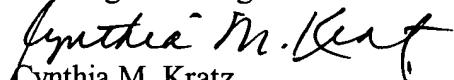
Accordingly, applicant has now met all of the requirements of 37 CFR 1.497(d) to add Eli Arad as co-inventor in the above-identified international application.

CONCLUSION

The request under 37 CFR 1.497(d) to add Eli Arad is **GRANTED**.

As noted in the 02 February 2005 decision, a declaration, executed by the inventors and in compliance with 37 CFR 1.497(a) and (b) has not been submitted and is required.

The application is being forwarded to the United States Designated/Elected Office for further processing. A Notification of Missing Requirements will issue indicating that an oath or declaration, executed by the inventors in compliance with 37 CFR 1.497(a) and (b) and the surcharge for filing the oath or declaration after the thirty month period is required.



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